

Main Office 400 North Tampa Street, Suite 3200 Tampa, Florida 33602 813/274-6000 813/274-6200 (Fax)

> 2110 First Street, Suite 3-137 Fort Myers, Florida 33901 239/461-2200 239/461-2219 (Fax)



## U.S. Department of Justice

United States Attorney Middle District of Florida 300 North Hogan Street, Suite 700 Jacksonville, Florida 32202-4270 904/301-6300 904/301-6310 (Fax)

80 North Hughey Avenue, Room 201 Orlando, Florida 32801 407/648-7500 407/648-7643 (Fax)

Reply to:

Tampa, Florida

Telephone: Facsimile: 813/274-6336 813/274-6108

April 18, 2005

Kevin T. Beck, Assistant Federal Public Defender Federal Public Defender's Office 400 North Tampa Street, Suite 2700 Tampa, Florida 33602

via hand delivery

Re:

United States v. Sami Amin Al-Arian, et al.

Case No. 8:03-CR-77-T-30-TBM

Dear Mr. Beck:

Pursuant to Rules 16(a)(F) and (G) of the Federal Rules of Criminal Procedure, the Court's Second Amended Pretrial Discovery Order, and the Order and Notice of Hearing (Doc. 960), enclosed are the following documents pertaining to individuals who may be called as expert witnesses in the above-captioned case:

- 1. Updated statement of qualifications for W. Mark Whitworth
- 2. The following Computer Analysis and Response Team (CART) reports of findings:
  - a. Margaret Fox and Keith Arndt (3 total)

02/03/2004 (mirror imaging of hard drives for discovery)
12/09/2004 (mirror imagining of hard drives for 1B189, 1B190,
1B195 and 1B196)
02/16/2005 (review of digital evidence)

b. Keith Arndt (10 total)

05/22/2003 (1B216, 1B217, 1B218, 1B219, 1B228, and 1B232) 05/28/2003 (1B2 and 1B3) 05/29/2003 (1B163, 1B165, 1B166, 1B167, 1B168, 1B169, 1B171, and 1B172) 05/30/2003 (1B238, 1B240, 1B241, 1B242, 1B244, 1B250, 1B251 and 1B258)
06/09/2003 (1B141, 1B142, 1B143, 1B155, 1B156, 1B157, and 1B158)
07/02/2003 (1B297)
07/15/2003 (1B215)
01/21/2005 (copy hard drive evidence of 1B1 for discovery)
02/01/2005 (duplication of numerous items for discovery purposes)
04/08/2005 (website search from 2003 computer evidence)

### c. <u>Margaret Fox (8 total)</u>

07/31/2002 (analysis of QTP001)
07/31/2003 (mirror image of hard drive1B167)
10/13/2004 (1B209)
10/13/2004 (1B206,1B198, 1B291, 1B292, 1B304, 1B298, 1B303, 1B305 and 1B283)
10/13/2004 (1B190, 1B196, 1B189, 1B195, 1B193, 1B192, 1B194)
10/13/2004 (1B132 (QTP512))
01/18/2005 (1D35 (QTP569))
02/16/2005 (1A29 (QTP568))

- 3. Summary of qualifications for Special Agent Kerry Myers
- 4. Summary of potential testimony of Special Agent Kerry Myers
- 5. Summary of potential testimony of Tom Miller
- 6. Summary of potential testimony of Matthew Levitt
- 7. CD entitled containing two PowerPoint presentations labeled "Intro to Explosives Intro to IEDS" for Mark Whitworth and Kirk Yeager
- 8. CD labeled "4 videos" for Mark Whitworth and Kirk Yeager

Kevin T. Beck, Assistant Federal Public Defender April 18, 2005 Page 3

The attached documents and media are being provided to you for use by all defense counsel in this case. Only one set is being distributed. The media and documents are the property of the United States and are to be returned to the United States upon completion of the prosecution of this case.

Sincerely,

PAUL I. PEREZ United States Attorney

Terry A. Zitek

**Executive Assistant United States Attorney** 

#### Enclosure

cc: Judge McCoun (w/o enclousre)
William Moffitt, Esq. (w/o enclosure)
Linda Moreno, Esq. (w/o enclosure
Stephen N. Bernstein, Esq. (w/o enclosure)
Bruce G. Howie, Esq. (w/o enclosure)

# SUMMARY OF THE QUALIFICATIONS OF SPECIAL AGENT KERRY L. MYERS

Special Agent Kerry L. Myers has been with the FBI for approximately 15 years. He has been assigned to the Joint Terrorism Task Force since 1998 where he presently works International Terrorism, Bombing and Weapons of Mass Destruction Matters. He has received extensive training in Terrorism in general and he specializes in studying the Palestinian Terrorists Groups which includes the Palestinian Islamic Jihad. He has taught numerous classes to law enforcement, intelligence and military officers in Washington DC, and central Florida. In 2001, he was designated as an international terrorism expert by FBI Tampa for the purpose of training other FBI agents in Terrorism matters. He formerly served as the Weapons of Mass Destruction Coordinator for the FBI Tampa Division and received specialized training from the United States Army, United States Department of Energy and other United States governmental agencies concerning nuclear, radiological, chemical and biological warfare.

Special Agent Myers is also a certified Bomb Technician and Hazardous Materials Operator with the FBI. In 1993, he attended and graduated from the FBI/United States Army HAZARDOUS DEVICES SCHOOL at Redstone Arsenal in Huntsville, Alabama. He has attended annual Bomb Technician Re-certification Training since 1993. He has attended specialized explosive classes and training taught by United States governmental agencies other than the FBI and the United States Army. He frequently teaches Bomb Technician and explosives related matters to other Bomb Technicians all over the United States. Between 1993 and the present, Special Agent Bomb Technician (SABT) Myers has taught explosives and bomb technician related matters in Tampa, Florida; Los Angeles, California; Orlando, Florida (three classes); San Francisco, Florida; Boston, Massachusetts; Forsyth, Georgia (three classes); Las Vegas, Nevada; Springfield, Massachusetts; Philadelphia, Pennsylvania and Seattle, Washington. He has worked as a Bomb Technician handling explosives security at numerous Special Events, including the WORLD CUP SOCCER games in Orlando, Florida in 1994; the CENTENNIAL OLYMPICS in Atlanta, Georgia in 1996; G 7 SUMMIT in Denver, Colorado in 1997; SUPER BOWL XXXIII in Miami Florida in 1999; the NHL ALL-STAR GAME in Tampa, Florida in 1999; SUPER BOWL XXXV in Tampa, Florida in 2001; NHL STANLEY CUP CHAMPIONSHIP in 2003 and the G 8 SUMMIT in Savannah, Georgia in 2003. SABT Myers has performed Bomb Technician and explosives related work in Long Island, New York at the TWA Flight 800 crash site in September, 1996 and at the Oklahoma Citybombing crime sceneduring April and May of 1995. He testified against both Tim McVeigh and Terry Nichols during the Oklahoma City Bombing trials.

# SUMMARY OF POTENTIAL TESTIMONY OF SPECIAL AGENT KERRY L. MYERS

Special Agent Myers may provide a summary and an interpretation of the context of FISA intercepts as well as other evidence, including, but not limited to: the cause and effect of the financial dispute of the Palestinian Islamic Jihad (PII); the effect that a lack of funds had on the PII; the infighting the financial problems caused; the proposed solutions to the dispute; the voting on the proposed solutions; the proposed meeting to discuss and adopt the solutions; the implementation of the solutions; the organization and membership of the PII Shura Council and how each reacted to the varying solutions; the organizational structure and management of the PII; the media reporting concerning the defendants and the PII; how each defendant and the PII organization reacted to the media disclosures; the PII plans for response to the media disclosures; how PII members responded to the media; how the PII, ICP and other associates of the PII enterprise facilitated, promoted, and supported the PII through communications, distribution, marketing, propaganda and other publications; and how these defendants and organizations promoted the affairs of the PII enterprise.